

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AYLUS NETWORKS, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

CASE NO. 3:13-cv-04700-EMC

**DECLARATION OF ROBERT BUERGI IN  
SUPPORT OF DEFENDANT APPLE INC.'S  
RESPONSIVE CLAIM CONSTRUCTION  
BRIEF**

Date: Nov. 10, 2014

Time: 2:30 p.m.

Place: Courtroom 5, 17th Floor

Judge: Honorable Edward M. Chen

1 I, Robert Buergi, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am admitted  
3 to practice before this Court. I am a partner with the law firm of DLA Piper LLP (US), counsel  
4 for the Defendant Apple Inc. ("Apple"). I have personal knowledge of the matters set forth in this  
5 Declaration, and if called upon as a witness, I would testify competently to the matters herein.

6 2. Attached as **Exhibit 1** is a true and accurate copy of U.S. Patent No. RE 44,412  
7 (the "'412 patent").

8 3. Attached as **Exhibit 2** is a true and accurate copy of an excerpt of the prosecution  
9 history for the '412 patent showing the Examiner's "Notice of References Cited."

10 4. Attached as **Exhibit 3** is a true and accurate copy of U.S. Patent No. 7,155,305 to  
11 Hayes.

12 5. Attached as **Exhibit 4** is a true and accurate copy of an excerpt of the prosecution  
13 history for U.S. Patent No. 7,724,753, which was reissued as the '412 patent, showing the  
14 applicant's August 19, 2009 response.

15 6. Attached as **Exhibit 5** is a true and accurate copy of an excerpt of the prosecution  
16 history for U.S. Patent No. 7,724,753, which was reissued as the '412 patent, showing the  
17 Examiner's March 25, 2009 Office Action and "Notice of References Cited."

18 7. Attached as **Exhibit 6** is a true and accurate copy of an excerpt of the prosecution  
19 history for U.S. Patent No. 7,724,753, which was reissued as the '412 patent, showing the  
20 Examiner's Dictionary.com reference.

21 8. Attached as **Exhibit 7** is a true and accurate copy of an excerpt of the prosecution  
22 history for U.S. Patent No. 7,724,753, which was reissued as the '412 patent, showing claim 1 as  
23 originally drafted from the applicant's March 8, 2006 application.

24 9. Attached as **Exhibit 8** is a true and accurate copy of Plaintiff Aylus Networks,  
25 Inc.'s ("Aylus") Patent Local Rule 4-2 Disclosures.

26 10. Attached as **Exhibit 9** is a true and accurate copy of an excerpt of Aylus's  
27 "Disclosure of Asserted Claims and Preliminary Infringement Contentions Pursuant to Patent  
28 L.R. 3.1 and 3.2."

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct, to the best of my knowledge.

3  
4 Executed on September 25, 2014 in East Palo Alto, California

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Robert Buergi